

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Appl. No** : 10/620,038  
**Applicant** : Shimek et al.  
**Filed** : July 15, 2003  
**Title** : Soft Dried Marshmallow and Method of Preparation

**TC/A.U.** : 1794  
**Examiner** : Bekker, Kelly Jo

**Docket No.** : 6126US

**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, VA 22313-1450**

**APPLICANT'S AMENDED APPEAL BRIEF**

Sir:

The Applicant of the above-identified U.S. patent application submits this amended appeal brief in response to the Notification of Non-Compliant Appeal Brief dated July 24, 2009. In compliance with the instructions set forth in M.P.E.P. § 1205.03, a replacement statement of the status of claims is provided herewith.

**Status of Claims** begins on page 2 of this paper.

**Remarks** begins on page 3 of this paper.

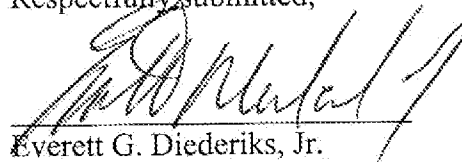
**Status of Claims:**

Presently, claims 1, 3-27, 29-39 and 81 stand rejected. Claims 2, 28, 40-80 and 82 have been cancelled. The rejected claims are herewith appealed.

**REMARKS**

If there are any additional questions or concerns regarding the Appeal Brief, the Examiner is cordially invited to contact the undersigned at the number provided below in order to expedite matters. Again, for the reasons set forth in the brief, it is respectfully submitted that the present invention is patentably defined over the known prior art such that the Examiner's rejection should be reversed.

Respectfully submitted,



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Date: August 21, 2009  
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